

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 1905 W. BERKS ST., PHILADELPHIA, PA 19121
Address of Defendant: 600 CLARK AVENUE, STE. 3, KING OF PRUSSIA, PA
Place of Accident, Incident or Transaction: 600 CLARK AVENUE, STE. 3, KING OF PRUSSIA, PA 19406

RELATED CASE, IF ANY:

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when Yes is answered to any of the following questions:

- | | | |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case is / is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 01/11/2021

Marc

Attorney-at-Law / Pro Se Plaintiff

60643

Attorney I.D. # (if applicable)

CIVIL: (Place a ✓ in one category only)

A. Federal Question Cases:

- 1. Indemnity Contract, Marine Contract, and All Other Contracts
- 2. FELA
- 3. Jones Act-Personal Injury
- 4. Antitrust
- 5. Patent
- 6. Labor-Management Relations
- 7. Civil Rights
- 8. Habeas Corpus
- 9. Securities Act(s) Cases
- 10. Social Security Review Cases
- 11. All other Federal Question Cases
(Please specify): _____

B. Diversity Jurisdiction Cases:

- 1. Insurance Contract and Other Contracts
- 2. Airplane Personal Injury
- 3. Assault, Defamation
- 4. Marine Personal Injury
- 5. Motor Vehicle Personal Injury
- 6. Other Personal Injury (Please specify): _____
- 7. Products Liability
- 8. Products Liability – Asbestos
- 9. All other Diversity Cases
(Please specify): _____

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, MARC A. WEINBERG, counsel of record or pro se plaintiff, do hereby certify:

- Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:
- Relief other than monetary damages is sought.

DATE: 01/11/21

Marc

Attorney-at-Law / Pro Se Plaintiff

60643

Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RICHARD JACKSON	:	
1905 W. Berks Street	:	
Philadelphia, PA 19121	:	
Plaintiff,	:	Civil Action
v.	:	Jury Trial Demanded
INFRA SOURCE a/k/a	:	
INFRA SOURCE SERVICES	:	
600 Clark Avenue, Suite 3	:	
King of Prussia, PA 19406	:	
and	:	
INFRA SOURCE CONSTRUCTION, LLC	:	
2311 Green Road, Ste. D	:	
Ann Arbor, MI 48105	:	
and	:	
QUANTA SERVICES, INC.	:	
2800 Post Oak Blvd., Ste 2600	:	
Houston, TX 77056	:	
Defendants	:	

COMPLAINT

I. PRELIMINARY STATEMENT

1. Plaintiff, Ricard Jackson, brings this action under 42 U.S.C.S. §1981. Plaintiff seeks equitable relief, compensatory and punitive damages, costs and attorney's fees from Defendants for Defendants' racial discrimination, retaliation, and other tortious actions.

II. JURISDICTION AND VENUE

2. Jurisdiction over this action is conferred on this Court by 28 U.S.C. §1331, 1343 and 42 U.S.C. §2000 e-5(f) and as this matter is one of Federal Question.

3. Plaintiff has complied with all jurisdictional prerequisites as he is not required to exhaust his administrative remedies under 42 U.S.C.S. §1981.

4. Venue is proper in the Eastern District of Pennsylvania pursuant to 28 U.S.C. §1391 and 42 U.S.C.S. §1981.

5. At all times material hereto, Defendants, Infrasource a/k/a Infrasource Services, Infrasource Construction, LLC and Quanta Services, Inc., (hereinafter “Defendants”) were “engaged in an industry affecting commerce” within the meanings of §701(a) and 701(b) of Title VII, 42 U.S.C. §2000e and 42 U.S.C.S. §1981.

6. At all times material hereto, Defendants were an “employer” as defined by §701(b) of Title VII, 42 U.S.C. §2000 e and 42 U.S.C.S. §1981.

7. At all times material hereto, Plaintiff is afforded the protections provided under 42 U.S.C.S. §1981 as Plaintiff was discriminated against, on the basis of his Race.

8. At all times material hereto, Plaintiff was subjected to severe and pervasive harassment as enumerated *supra*.

9. This Honorable Court maintains Jurisdiction over this matter as it is one of Federal Question.

III. THE PARTIES

10. Claimant, Richard Jackson (hereinafter “Jackson”), is an adult male who is African American.

11. Upon information and belief, Defendants, Infrasource a/k/a Infrasource Services, Infrasource Construction, LLC, Quanta Services, Inc., own and operate Infrasource Services, with a registered address and a principal place of business located at the above-captioned address, and the Plaintiff was employed at the Infrasource location at 600 Clark Avenue, Suite 3, King of Prussia, Pennsylvania, 19406.

12. Upon information and belief, Matt Sarmento, was employed by Defendant as a supervisor, and at all times material hereto had the authority to discipline and terminate Sims.

13. At all times material hereto, the discrimination enumerated within this Complaint occurred within the Commonwealth of Pennsylvania, in Montgomery County.

IV. FACTUAL BACKGROUND

16. Plaintiff was hired by Defendants on or about September, 2013.

17. Plaintiff is an African-American male.

18. Upon information and belief, Plaintiff was responsible for organizing the tool shed at Defendants' location.

18. On or about January 12, 2017, Plaintiff was putting tools in order in the Defendants' tool shed, when Plaintiff found a scraper tool with the "n-word" written all over the scraper in permanent marker.

19. Plaintiff reported the incident to Matt Sarmento, and the tool was not seen again by the Plaintiff.

20. After Plaintiff reported the tool incident to Sarmento, Plaintiff was consistently denied overtime by the Defendants.

21. Upon information and belief, Plaintiff was only one of five (5) African American employees, out of Defendants approximately sixty (60) to seventy (70) employees.

22. Upon information and belief, all management at Defendants' King of Prussia location at the time of Plaintiff's employment were Caucasian.

23. Upon information and belief, Defendant consistently fired African-American employees, while keeping Caucasian employees employed.

24. At all times material hereto the harassment, hostile work environment and discrimination to which Plaintiff was subjected was unwelcome, severe and unreasonably altered the condition of his employment.

25. Defendants knew or should have known the “n-word” was written all over the tool, and that the Plaintiff would likely come across the tool while working in the tool shed.

26. Plaintiff was profoundly upset and affected by the discrimination, harassment and hostile work environment that he was subjected to during the course and scope of his employment.

27. The aforementioned conduct of Defendants and its employees was materially adverse and would dissuade a reasonable worker from exercising and/or attempting to exercise their rights and benefits under 42 U.S.C.S. §1981.

28. Defendant's aforesaid harassment and discriminatory conduct was unwelcome, unwanted and upsetting, the harassing conduct continued throughout the course of Plaintiff's employment with Defendants.

29. At no time did Defendant, or any of the principles, supervisors, managers, officers, directors, or agents of Defendant, institute an effective grievance procedure designed to eliminate racial discrimination of employees and no reasonable steps were taken to prevent the same in the workplace; and if said policy existed; Defendant failed to follow any requirements of said policy.

30. As a direct and proximate result of Defendant's aforesaid acts and omissions, the hostile work environment which was created thereby, and Defendants' discriminatory practices, Plaintiff:

- (a) was caused pain and suffering, emotional injury and a loss of enjoyment of life; and
- (b) suffered severe emotional distress, embarrassment, humiliation and depression.

COUNT I

RICHARD JACKSON V. DEFENDANTS

VIOLATION OF THE EQUAL RIGHTS UNDER THE LAW 42 U.S.C.S. § 1981

31. Plaintiff hereby incorporates by reference all of the aforementioned allegations set forth above.

32. The conduct of Defendants and its treatment of Jackson, in his employment violated 42 U.S.C.S. §1981 as Plaintiff's constructive discharge, harassment, hostile work environment, and discrimination was based upon his Race.

WHEREFORE, Plaintiff, Richard Jackson, demands judgment against Defendants, including:

- (a) A declaration that Defendants' actions as described herein violated Title 42 U.S.C.S. §1981;
- (b) equitable and declaratory relief;
- (c) compensatory damages for Plaintiff's loss of past and present future income and benefits, pain and suffering inconvenience, embarrassment, emotional distress and loss of enjoyment of life;
- (d) punitive damages;

- (e) payment of interest and Plaintiff's attorney's fees and costs associated with bring the claim; and
- (f) such other relief as this Court may deem appropriate under the circumstances.

Respectfully submitted,

SAFFREN & WEINBERG

BY: 
~~MARC A. WEINBERG, ESQUIRE~~
815 Greenwood Avenue, Suite 22
Jenkintown, PA 19046
mweinberg@saffwein.com
P: (215) 576-0100

Dated: 1/11/21